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*Attorney for Defendant, Jan Rouven Fuechtener*

6 UNITED STATES DISTRICT COURT  
7 DISTRICT OF NEVADA

8 UNITED STATES OF AMERICA,  
9 Plaintiff,  
10 vs.  
11 JAN ROUVEN FUECHTENER,  
12 Defendant.

CASE NO.: 2:16-CR-100-GMN-CWH  
**STIPULATION TO CONTINUE  
SENTENCING HEARING**

13 IT IS HEREBY STIPULATED AND AGREED, by and between Elham Roohani and Lisa  
14 C. Cartier-Giroux, Assistant United States Attorneys, counsel for the United States of America, and  
15 Karen A. Connolly, counsel for Defendant JAN ROUVEN FUECHTENER, that the sentencing  
16 hearing currently scheduled for September 27, 2018, at the hour of 10:30a.m., be vacated and  
17 continued for no less than 45 days.

18 This Stipulation is entered into for the following reasons:

- 19 1. The parties agree to the continuance for the following reasons: Defense Counsel's  
20 request to withdraw was denied by the Magistrate, counsel now being CJA appointed needs  
21 time to prepare for sentencing and to apply for experts to be appointed in order to effectively  
22 assist Fuechtener.
- 23 a. Moreover, filings by the firm of CHESNOFF & SCHONFELD have interfered with  
24 the continuity of as well as counsel's ongoing representation as Fuechtener's  
25 Defense Counsel.
- 26 b. Undersigned counsel requested a 90 day continuance; however, under the present  
27 circumstances, Assistant United States Attorney, Elham Roohani, will agree to 45  
28 days, subject to reconsideration at a future date.

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- 1       2.     The additional time requested herein is not sought for purposes of delay.  
2       3.     Additionally, denial of this request for continuance could result in a miscarriage of  
3              justice.  
4       4.     This is the eighth request to continue the sentencing date.

5              DATED this 17 day of September, 2018.

6     KAREN A. CONNOLLY, LTD.

DAYLE ELIESON  
United States of America

8     */s/ Karen A. Connolly*  
9     KAREN A. CONNOLLY  
Counsel for Jan Rouven Fuechtener

8     */s/ Elham Roohani*  
9     ELHAM ROOHANI  
LISA C. CARTIER-GIROUX  
Assistant United States Attorneys  
Counsel for Plaintiff

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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAN ROUVEN FUECHTENER,

**Defendant.**

CASE NO.: 2:16-cr-100-GMN-CWH

## **FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

## **FINDINGS OF FACT**

Based on the Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. The parties agree to the continuance for the following reasons: Defense Counsel's request to withdraw was denied by the Magistrate, counsel now being CJA appointed needs time to prepare for sentencing and to apply for experts to be appointed in order to effectively assist Fuechtener.
    - a. Moreover, filings by the firm of CHESNOFF & SCHONFELD have interfered with the continuity of as well as counsel's ongoing representation as Fuechtener's Defense Counsel.
    - b. Undersigned counsel requested a 90 day continuance; however, under the present circumstances, Assistant United States Attorney, Elham Roohani, will agree to 45 days, subject to reconsideration at a future date. The additional time requested herein is not sought for purposes of delay.
  2. Additionally, denial of this request for continuance could result in a miscarriage of justice.
  3. This is the eighth request to continue the sentencing date.

For all of the above-stated reasons, the ends of justice would best be served by a continuance of the sentencing.

## **CONCLUSIONS OF LAW**

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be

**1** likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the  
**2** opportunity within which to be able to effectively and thoroughly prepare for sentencing, taking  
**3** into account the exercise of due diligence.

4 The continuance sought herein is excusable under the Speedy Trial Act, title 18, United States  
5 Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section  
6 3161(h)(7)(B)(i), (iv).

## ORDER

**8** IT IS THEREFORE ORDERED that the Sentencing Hearing currently scheduled for  
**9** September 27, 2018, at the hour of 10:30 a.m., be vacated and continued to Wednesday,  
**10** November 14, 2018, at 9:00 a.m. in Courtroom 7D before Chief Judge Gloria M. Navarro.

11       **IT IS FURTHER ORDERED** that this is a firm sentencing date and no further requests  
12 for continuance will be granted without a showing of good cause.

13 DATED this 18 day of September 2018.

UNITED STATES DISTRICT JUDGE

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